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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MAUREEN HEYMANS, RADHIKA MALPANI,
NOAM SHAZEER, and ABHAY PURI

Appeal 2009-007583
Application 10/665,359
Technology Center 2400

Before THOMAS S. HAHN, ELENi MANTIS MERCADER,
and CARL W. WHITEHEAD, JR., *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

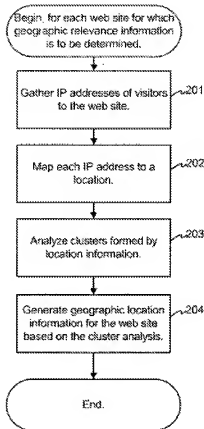
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-4, 6-14, and 16-47. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

INVENTION

Appellants' Figure 2 is reproduced below:



Appellants' Figure 2 and claimed invention are directed to devices, systems, and methods for associating geographical relevance to web documents by analyzing the locations (e.g., IP addresses) of users that access the web documents (Spec. ¶¶ [0008]-[0009]). According to a first aspect of

the invention, location information associated with first users that access a resource (website) is determined (Fig. 2, steps 201, 202). Next, the geographic relevance of the resource is determined by performing a cluster analysis based on the location information of the first users (Fig. 2, steps 203, 204; Fig. 4; Spec. ¶ [0009]). A web document associated with the resource is provided to a second user by matching the geographic relevance of the resource to second location information of the second user (Spec. ¶ [0010]).

Claim 6, reproduced below, is representative of the subject matter on appeal (emphases added):

6. A method of providing documents comprising:
- collecting location information associated with first users that access a resource;
 - performing an analysis on the collected location information to determine *a geographic relevance* of the resource;
 - determining second location information associated with a second user; and
 - providing a document associated with the resource to the second user *based, at least in part, on a matching of the geographic relevance* of the resource to the second location information.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Scarfe	WO 02/15479 A1	Feb. 21, 2002
McGuire	US 2003/0023489 A1	Jan. 30, 2003
Shultz	US 2003/0061211 A1	Mar. 27, 2003
Houri	US 6,665,715 B1	Dec. 16, 2003

The following rejections are before us for review:

1. The Examiner rejected claims 6 and 8-10 under 35 U.S.C. § 102(e) as anticipated by Shultz.
2. The Examiner rejected claims 1-4, 7, 11, 13, 14, 16, 18-21, 30-32, 35, 36, 38, 39, 42-45, and 47 under 35 U.S.C. § 103(a) as being unpatentable over Shultz in view of Scarfe.
3. The Examiner rejected claims 12, 17, 22-26, 28, 40, 41, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Shultz in view of Scarfe and further in view of McGuire.
4. The Examiner rejected claims 27 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Shultz in view of Scarfe and McGuire and further in view of Hourii.
5. The Examiner rejected claims 33, 34, and 37 under 35 U.S.C. § 103(a) as being unpatentable over Shultz in view of Scarfe and further in view of Hourii.

ISSUES

The pivotal issues are:

1. Whether the Examiner erred in determining that Shultz teaches the limitation of “providing a document associated with the resource to the second user based, at least in part, on a matching of the geographic relevance of the resource to the second location information” as recited in claim 6.
2. Whether the Examiner erred in determining that the combination of Shultz and Scarfe discloses or suggests the limitation of “performing a cluster analysis of the geographic locations to locate a cluster of the

geographic locations” as recited in claim 1 and similarly recited in independent claims 14, 30, 35, 45, and 47.

PRINCIPLE OF LAW

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

ANALYSIS

A. Does Shultz teach the limitation of “providing a document associated with the resource to the second user based, at least in part, on a matching of the geographic relevance of the resource to the second location information” as recited in claim 6?

Appellants argue (App. Br. 10-12; Reply Br. 4-5) *inter alia* that Shultz does not disclose or suggest the limitation at issue because in Shultz, any documents returned to a second user are not based on any geographical relevance of such documents to a search query entered by a first user.

The Examiner finds (Ans. 18) that “the analysis information of the first user is not linked to the last limitation of claim 6” (providing documents to the second user).

Appellants respond (Reply Br. 5-6) that “[s]ince the geographical relevance is determined by performing an analysis on the collected location information and the providing of the document is based, at least in part, on matching the geographical relevance to the second location information, the analysis information is clearly linked to the providing [step]” in claim 6.

We are persuaded by Appellants' reasoning because claim 6 links the "first users" to "the geographic relevance of the resource." The first and second steps of claim 6 link the "first users" to the "location information" and the "geographic relevance of the resource." Then, the terms "a geographic relevance of the resource" in the "performing" step (second step) of claim 6 provides antecedent basis for "the geographic relevance of the resource" in the "providing" step (fourth step). Therefore, claim 6 links the "first users" to the "the geographic relevance of the resource." Accordingly, Appellants have shown error in the Examiner's rejection of independent claim 6 because the Examiner ignored the last claimed limitation of "a document associated . . . based . . . on a matching of the geographic relevance." We will also reverse the rejection of claims 7-13 that depend from claim 6.

B. Does the combination of Shultz and Scarfe disclose or suggest the limitation of "performing a cluster analysis of the geographic locations to locate a cluster of the geographic locations" as recited in claim 1 and similarly recited in independent claims 14, 30, 35, 45, and 47?

Appellants argue (App. Br. 13-14) *inter alia* that Shultz and Scarfe do not disclose the limitation of "performing a cluster analysis of the geographic locations to locate a cluster of the geographic locations" as recited in claim 1. Appellants contend (App. Br. 13) that the sections of Scarfe cited by the Examiner (Ans. 6, 19), Scarfe page 18, lines 5-14, and pages 16-17, do not suggest this limitation.

Appellants contend (App. Br. 14) that Scarfe page 18, lines 5-14, discloses the detection of rare event criteria for data received by a firewall

system. Such detection may include checking whether analyzed cluster pairings fall within cluster pairing conditions.

Appellants also contend (App. Br. 13-14; Reply Br. 6) that Scarfe pages 16 and 17 disclose a cluster analysis method to determine whether a given group of IP addresses fall within a cluster, by computing distances in a multi-dimensional space, such as an 8-dimensional factor space. Appellants argue (Reply Br. 6) that “[t]he factors of the factor space, given in Table 1 on p. 21 of SCARFE, include such factors as types and length of packets, and the amount of packets sent within a given time period.” Appellants contend (App. Br. 14) that “[n]either pp. 16-17 nor Table 1 of SCARFE discloses or suggests that geographical location can be a factor in the factor space” (emphasis omitted).

The Examiner finds (Ans. 19) that “Scarfe discloses a cluster analysis in order to locate a cluster of geographical[ly] similar IP address[es] [Scarfe, page 18, lines 5-14 and pages 16-17]” (3d brackets in original).

We are persuaded by Appellants’ arguments because the cited sections of Scarfe are not related to clusters of geographical locations and thus, do not disclose or suggest the limitation at issue. Therefore, Appellants have shown error in the Examiner’s rejection of independent claim 1 and in independent claims 14, 30, 35, 45, and 47 that have similar limitations. We will also reverse the rejection of claims 2-4, 16-29, 31-34, 36-44, and 46 that depend from the independent claims 1, 14, 30, 35, 45, and 47.

CONCLUSIONS

1. The Examiner erred in determining that Shultz teaches the limitation of “providing a document associated with the resource to the

second user based, at least in part, on a matching of the geographic relevance of the resource to the second location information” as recited in claim 6.

2. The Examiner erred in determining that the combination of Shultz and Scarfe discloses or suggests the limitation of “performing a cluster analysis of the geographic locations to locate a cluster of the geographic locations” as recited in claim 1 and similarly recited in independent claims 14, 30, 35, 45, and 47.

ORDER

The decision of the Examiner to reject claims 1-4, 6-14, and 16-47 is reversed.

REVERSED

babc